

# Exhibit 4

COOLEY LLP  
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)  
MATTHEW D. BROWN (196972) (brownmd@cooley.com)  
BENJAMIN H. KLEINE (257225) (bkleine@cooley.com)  
KATHLYN A. QUERUBIN (275085) (kquerubin@cooley.com)  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222

Attorneys for Defendant LinkedIn Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE LINKEDIN USER PRIVACY LITIGATION

Case No. 12-CV-3088 EJD

**DECLARATION OF JACOB BAILEY IN  
SUPPORT OF FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

Courtroom: 4 (5th Floor)  
Judge: Hon. Edward J. Davila  
Date: June 18, 2015  
Time: 9:00 a.m.  
Trial Date: None Set

I, Jacob Bailey, hereby declare as follows:

1. I am the Manager of Global Marketing Operations at LinkedIn Corporation ("LinkedIn"). I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set forth below, and if called as a witness to testify, could and would testify competently thereto.

2. I submit this Declaration in order to provide information regarding LinkedIn's dissemination of the Email Notice in accordance with the Order Granting Preliminary Approval of Class Settlement and Approving Notice Plan ("Preliminary Approval Order"), entered on

1 January 29, 2015 and as set forth in Section 4.1(a) of the Class Action Settlement Agreement (the  
2 "Settlement Agreement").

3 3. LinkedIn's records indicate that there are approximately 797,757 LinkedIn users  
4 who LinkedIn can reasonably ascertain are located in the United States and who paid a fee to  
5 LinkedIn for a premium subscription at any time between March 15, 2006 and June 7, 2012 (the  
6 "Provisional Settlement Class Members").

7 4. Pursuant to the Preliminary Approval Order and Section 4.1(a) of the Settlement  
8 Agreement, LinkedIn formatted the previously approved Email Notice for electronic distribution  
9 via email. A sample of the transmitted Email Notice is attached hereto as Exhibit A.

10 5. LinkedIn sent the Email Notice to the email addresses associated with these  
11 Provisional Settlement Class Members on February 20, 2015.

12 6. For some email addresses, LinkedIn received bouncebacks—i.e., messages from  
13 an email server that the email was not deliverable. If LinkedIn had a secondary email address for  
14 these members, LinkedIn sent the Email Notice to the secondary email address on February 26,  
15 2015. For the remaining members, if the bounceback was a soft bounceback (i.e., the user's mail  
16 server indicated that the email could not be delivered for temporary reasons), LinkedIn tried to  
17 resend the Email Notice on February 26, 2015. In all, the Email Notice was successfully sent to  
18 772,980 users.

19 7. On March 30, 2015, LinkedIn sent the Final Email Notice as required by the  
20 Preliminary Approval Order and Section 4.1(a) of the Settlement Agreement to Provisional  
21 Settlement Class Members. The Final Email Notice was formatted the same as Exhibit A except  
22 that it included the words "FINAL NOTICE – " at the beginning of the subject line. The Final  
23 Email Notice was successfully sent to 767,240 members.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on May 14, 2015 in San Francisco, California.

26  
27  
28  
  
Jacob Bailey

## Exhibit A

**From:** LinkedIn Class Action Settlement [<mailto:linkedin@e.linkedin.com>]

**Sent:** Thursday, February 20, 2015 1:17 PM

**To:** John Doe

**Subject:** LEGAL NOTICE OF CLASS ACTION SETTLEMENT

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**IF YOU PAID A FEE TO LINKEDIN FOR A PREMIUM SUBSCRIPTION  
BETWEEN MARCH 15, 2006 AND JUNE 7, 2012, A CLASS ACTION  
SETTLEMENT MAY AFFECT YOUR RIGHTS**

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

A proposed class action settlement has been reached in a lawsuit against LinkedIn, which operates a professional networking service (website at [www.linkedin.com](http://www.linkedin.com)), related to its protection of user information.

You are receiving this notice because you have been identified as being a possible Settlement Class Member. Your legal rights may be affected whether you act or don't act. Please read this notice carefully. Visit [www.LinkedinClassActionSettlement.com](http://www.LinkedinClassActionSettlement.com) to read the longer form of notice and the settlement agreement.

**What is the Lawsuit About?**

This lawsuit, filed in the U.S. District Court for the Northern District of California, claims that LinkedIn did not use industry-standard protections as it stated it would in its User Agreement and Privacy Policy to keep passwords and personal information of users of its premium services secure. The lawsuit seeks damages for violation of California's unfair competition law.

LinkedIn denies that it engaged in any wrongdoing or violated any law, and the Court has not determined who is right. Rather, the parties have agreed to settle the lawsuit.

**Who is a Settlement Class Member?**

You are a Settlement Class Member if you live in the United States and paid a fee to LinkedIn for a premium subscription at any time between March 15, 2006 and June 7, 2012.

**What Do I Get From the Settlement?**

Settlement Class Members who were influenced by LinkedIn's statements about its security when they signed up for LinkedIn premium subscriptions can submit a valid claim by May 2, 2015 to receive a payment of up to \$50 from a \$1,250,000 Settlement Fund, after payment of the costs of administering the settlement, the

attorneys' fee award, and any incentive award to the plaintiff. The amount of any payment to Settlement Class Members depends upon the number of valid claims filed. For further explanation regarding the payments, please review the detailed notice at [www.LinkedInClassActionSettlement.com](http://www.LinkedInClassActionSettlement.com). If there is still money left in the Settlement Fund after all of the foregoing payments are made, the money will be donated to appropriate non-profit organizations. LinkedIn will also employ both salting and hashing, or an equivalent or greater form of protection, to protect LinkedIn users' passwords for a period of five (5) years. File your claim online here at [www.LinkedInClassActionSettlement.com](http://www.LinkedInClassActionSettlement.com) by May 2, 2015. To request a paper copy, call toll-free 1-877-790-2130.

### **What are My Other Options?**

You will be a member of the Settlement Class unless you exclude yourself from the settlement. If you do not wish to be a member of the Settlement Class, you may exclude yourself by mailing a valid request for exclusion to the Settlement Administrator, and it must be postmarked no later than April 13, 2015. Be sure to include your name, address, email address, phone number, and a statement that you wish to be excluded from the Class in In re LinkedIn User Privacy Litigation, Case No. 12-cv-03088-EJD. If you choose to exclude yourself, you give up your right to object to the settlement, but retain any rights you may currently have to sue LinkedIn over the legal issues in the lawsuit.

You and/or your lawyer have the right to appear before the Court and object to the proposed settlement (i.e., state the reasons you do not like it). You can't ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. You can object ONLY if you stay in the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you. Your written objection must be filed or mailed to the Court referencing In re LinkedIn User Privacy Litigation, Case No. 12-cv-03088-EJD no later than April 13, 2015. Specific instructions about how to object to, or exclude yourself from, the settlement are available at [www.LinkedInClassActionSettlement.com](http://www.LinkedInClassActionSettlement.com).

If you do nothing you will be in the Settlement Class, and if the Court approves the Settlement Agreement, you will also be bound by all orders and judgments of the Court. If approved, your claim relating to LinkedIn's statements about the security of your password and information and relating to a June 2012 data breach that are the subject of this case against LinkedIn, will be fully and finally resolved and released (as set forth in greater detail in the Settlement Agreement).

### **Who Represents Me?**

The Court has appointed attorneys from Edelson, PC and Kaplan Fox &

Kilsheimer LLP, to represent the class: These attorneys are referred to as Class Counsel. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When will the Court Consider the Proposed Settlement?**

The Court will hold a hearing to determine the fairness of the settlement at 9:00 a.m. on June 18, 2015 at the Robert F. Peckham Federal Building, 280 South 1st Street, San Jose, CA 95113 in Courtroom 4, 5th Floor before Judge Edward J. Davila. At that hearing, the Court will consider whether to approve the settlement and a request by Class Counsel for attorneys' fees of up to one-third (1/3) of the Settlement Fund and an award for the Class Representative of up to \$7,500. The Court may award less than these amounts. The hearing may be postponed to a different date or time without notice, so check [www.LinkedinClassActionSettlement.com](http://www.LinkedinClassActionSettlement.com) for updates. You are not required to come to this hearing.

**How Do I Get More Information?**

This notice is a summary. For the precise terms and conditions of the settlement, please see the Settlement Agreement available at [www.LinkedinClassActionSettlement.com](http://www.LinkedinClassActionSettlement.com), by contacting Class Counsel at 1-866-354-3015, by accessing the Court docket in this case through the Court's PACER system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court at the address above between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

Please do not contact the Court or LinkedIn with questions about the settlement or the claim process.

By Order of the Court Dated: January 29, 2015